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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,458	05/23/2001	Masahiko Tanaka	001425-104	7476
21839	7590	07/19/2004	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P			MOORE, KARLA A	
POST OFFICE BOX 1404			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22313-1404			1763	

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

S.C.

<b>Advisory Action</b>	<b>Application No.</b> 09/862,458	<b>Applicant(s)</b> TANAKA ET AL.	
	<b>Examiner</b> Karla Moore	<b>Art Unit</b> 1763	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: 2,3,6,7,12,13,18,19 and 25.

Claim(s) rejected: 1,4,5,8-11,14-17,20-24,26,27.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

*P. Hassanzadeh*  
Primary Examiner  
AU 1763

Continuation of 5. does NOT place the application in condition for allowance because:

The prior art relied upon discloses the invention as claimed.

Similar to Applicant's disclosure and claimed invention Ashtiani discloses a dividing plate that divides a plasma source region and a plasma processing region. Therefore, Applicant's argument that the plate is not a dividing plate is not correct. As noted in the previous office action and as pointed out in Applicant's request for reconsideration, Examiner acknowledges that the dividing plate of Ashtiani is not constructed exactly as in Applicant's disclosure. This is why Umotoy is used in combination with Ashtiani in rejecting the pending claims.

Applicant further argues that Ashtiani prevents undesired comingling of the gases by introducing the process gas and reactant gas at different locations and that there is no need to divide the two regions Ashtiani et al. to prevent undesired comingling. Applicant also notes that the apparatus of Ashtiani is designed to allow the plasma species to freely pass into the processing region (Note: Applicant's remarks read "to allow for free passage into the PLASMA REGION", but the passage pointed out reads "PROCESSING REGION. Examiner assumes that Applicant meant to refer to the processing region). In response, Examiner points out that it would be expected that the plasma species is allowed to pass through to the processing region because otherwise the plasma processing would not be able to proceed. Furthermore, just because the process gas and reactant gas are provided in two different regions does not necessarily mean that Ashtiani should not be concerned about comingling of gases. As one of ordinary skill in the art would recognize, the gases would be prone to expand. In order to further combat this problem, one of ordinary skill in the art could look to the Umotoy reference for supplemental dividing/restriction means. Umotoy fairly teaches both motivation and means for further combatting the mingling of two or more gases in a single apparatus.

At the bottom of page 2 and continuing onto the top of page 3 of Applicant's response, Applicant points out the structural distinctions between the DISCLOSED invention and the relied upon prior art. Examiner suggests that Applicant amend to include these distinctions in the CLAIMED invention.